

Notice of Allowability

Application No.

10/686,676

Examiner

Shelley Self

Applicant(s)

PALLMANN, HARTMUT

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/18/06.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Lowell A. Larson
Primary Examiner

DETAILED ACTION

Response to Amendment

The amendment filed on July 18, 2006 under 37 CFR 1.116 is sufficient to overcome the prior art reference and place the application in condition for allowance.

Allowable Subject Matter

Claims 1-24 are allowed.

As noted in the Final Rejection (4/19/06), the following is an Examiner's statement of reasons for allowance: The prior art of record does not disclose or fairly suggest *at least one of the first or second chipping tools arranged on a carrier element, wherein a thickness of the first or second chipping tool is divided into a core area and wherein the first or second chipping tools have at least one recess formed substantially perpendicular to a division line, which extends across the core area and ends in a division line provided between the core area and the utilization area* in combination with the rest of the claimed limitations as set forth in claim 1.

Further the prior art of record does not disclose or fairly suggest a *disk-shaped chipping tool or a carrier element arranged within a housing, at least one chipping tool fastened to the carrier element, wherein the at least one chipping tool is divided by a border into a utilization area and a core area along a length of the tool, wherein the core area has at least one bore formed therein, the at least one bore extends through the core area and terminates at the utilization area* in combination with the rest of the claimed limitations as set forth in claims 10 and 15.

As noted in the previous Office Action the prior art reference, Fischer (3,678,883) discloses an earth boring drill comprising a shaft/journal (11) to which tool (14, 21) is affixed. Fischer discloses a tool to have two parts, a utilization portion (14) having projecting teeth (16) and a core portion/area (21) having a shared boundary to the journal/shaft (11). Further it is the utilization area (14, 16) that contacts a surface for machining. Fischer discloses a boundary line between the utilization area (14) and the core portion (21; fig. 2). Fischer further discloses a core area of the tool (21) has a bored hole (43) having parallel boundary walls and the bore terminating in the boundary (figs. 2, 5) line between the utilization area (14) and the core area (21). Fischer teaches that during the drilling operation the utilization area is subjected to wear due to repeated use and is ultimately worn to the core area (21), once worn to the core area (21) the bore (43) containing a wear indicator (44) releases a signal such that operation can be halted so as not to cause unnecessary damage. Fischer does not disclose a *disk-shaped* chipping tool. Instead, Fischer discloses a non-planer cylindrically extending too/bit. Further, Fischer does not disclose *a carrier element arranged within a housing, at least one chipping tool fastened to the carrier element*, instead Fischer discloses a boring drill (fig. 1) fastened to a carrier element (11) unassociated with any housing. Accordingly, Fischer fails to anticipate or render obvious the claimed invention as set forth in claims 1, 10 and 15.

Although Fischer discloses a tool having both a utilization area and core area, Fischer's tool is not disk shaped. Fischer's non-planar cylindrical shape differs from that of Applicant's disk-shape; because Applicant's specification/drawings (figs. 1, 3) clearly defines a disk-shape as a circular planar surface, Applicant's claimed invention as set forth in claim 10 patentably distinguishes over the prior art, Fischer.

Neither the prior art of record alone nor any combination thereof discloses the claimed invention as set forth in claims 1, 10 and 15.

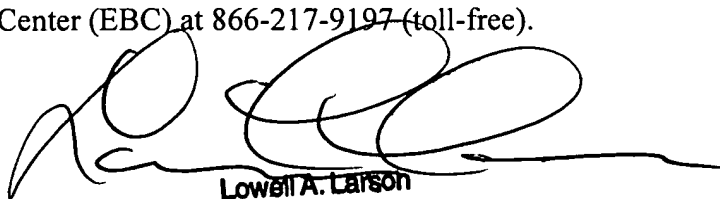
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf
July 25, 2006



Lowell A. Larson
Primary Examiner